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Question of the Falkland Islands (Malvinas)

Letter dated 26 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith copies of the protest note and counter-reply, dated 28 October 2008 and 18 February 2009 respectively, submitted by the Argentine Government to the United Kingdom of Great Britain and Northern Ireland in relation to the siting of missile firing facilities in the Malvinas Islands (see annexes I and II).

I should be grateful if you would arrange for this letter and its annexes to be circulated as a document of the General Assembly under agenda item 23, concerning the question of the Malvinas Islands.

(*Signed*) Diego **Limeres**
Chargé d'affaires a.i.

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Annex I to the letter dated 26 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and conveys to it the Argentine Government's formal protest against the siting of missile firing facilities in the Malvinas Islands.

The Argentine Government considers that the establishment and operation of the so-called "Port Harriet Missile Testing Range" is in violation of General Assembly resolution 31/49, which calls upon the two parties in the dispute referred to as the "question of the Malvinas Islands" to refrain from introducing unilateral modifications in the situation while the islands are going through the process recommended in the relevant resolutions of the General Assembly.

The Argentine Government also believes that this new unilateral measure by the United Kingdom constitutes a further step in the expansion of the latter's military presence in the South Atlantic, which exacerbates and entrenches the situation created in 2004 with the upgrading of the British military base in the region, protested by means of Note DIMAS No. 137 of 8 June 2004.

Furthermore, the Argentine Government considers that the establishment and operation of the above-mentioned missile range is contrary to the spirit of military détente that inspired the agreements between Argentina and the United Kingdom, under the formula on sovereignty, on confidence-building measures relating to the disputed area.

It also contravenes the "no surprise" policy and constitutes a disproportionate and unfriendly measure on the part of the United Kingdom, which in no way contributes to the efforts aimed at building confidence in the military sphere and maintaining peace and security in the South Atlantic, to which the Southern Cone countries, on the other hand, are strongly committed.

The Argentine Government reaffirms once again the legitimate rights of sovereignty of the Argentine Republic over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, which are an integral part of Argentine national territory.

The Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship takes this opportunity to convey to the Embassy of the United Kingdom of Great Britain and Northern Ireland the renewed assurances of its highest consideration.

Buenos Aires, 28 October 2008

Annex II to the letter dated 26 February 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

The Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and has the honour to refer to Note OTD No. 10/11/08 delivered by that Embassy on 14 November 2008 in response to Note DGMAS No. 317 of 28 October 2008, in which the Argentine Government lodged a formal protest against the siting of missile firing facilities in the Malvinas Islands.

In that connection, the Government of the Argentine Republic reiterates Note DGMAS No. 317 in its entirety and firmly rejects all the assertions made in Note OTD No. 10/11/08, both aforementioned.

The Government of the Argentine Republic clarifies that it lodged a formal protest against the siting of missile firing facilities in the Malvinas Islands, which logically includes the missile tests that have already been carried out and those that may be carried out in future. Furthermore, it reiterates that the establishment and operation of the said firing range is contrary to the spirit of the confidence-building measures adopted, under the formula on sovereignty, between the Argentine Republic and the United Kingdom, as well as to the "no surprise" policy prevailing between the two countries.

The Government of the Argentine Republic firmly rejects the British Government's allusion to the Yamana IV exercise. That exercise took place on the Argentine mainland under the undisputed sovereignty and jurisdiction of the Argentine Republic, hundreds of kilometres away from the Malvinas Islands and in an area outside the geographical scope of application of the confidence-building measures in the military sphere adopted by the two countries under the formula on sovereignty, most recently through the Joint Statement of 12 July 1993, as amended by the Joint Communiqué of 19 July 1994 under the formula on sovereignty.

The Government of the Argentine Republic rejects that allusion as unfounded, in that it seeks to equate legitimate military activities carried out by the Argentine armed forces with British military activities carried out in Argentine territory that is under illegitimate British occupation and is the subject of a sovereignty dispute recognized by the relevant United Nations resolutions which, it should be recalled, the United Kingdom systematically violates by refusing to resume the negotiations on sovereignty in order to reach a just, peaceful and lasting solution to the dispute, taking due account of the interests of the inhabitants of the islands.

The Argentine Republic reaffirms its rights of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.

The Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship takes this opportunity to convey to the Embassy of the United Kingdom of Great Britain and Northern Ireland the renewed assurances of its highest consideration.

Buenos Aires, 18 February 2009